IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14767 of 1994

Between:

1 L.D. Chulki S/o Devendrappa
O/o Divisional Security Commissioner, Railway Protection Force, Hyderabad Division,
Secunderabad

2 N. Simhadri S/o N. Rangaiah
O/o Dy. Chief Security Commissioner, Railway Protection Force, Head Quarters Division,
Secunderabad

3 P. Shankar S/o Pullaiah
O/o Divisional Security Commissioner, R.P.F., Hyderabad Division,
Secunderabad

4 M.A. Khan
O/o Divisional Security Commissioner, Railway Protection Force, Secunderabad Division,
Khazipet

5 V.M. Varghese S/o T.I. Mathai
O/o Divisional Security Commissioner, R.P.F., Hyderabad Division,
Secunderabad

6 B.S. Abdul Sattar S/o Syed Asuf
O/o Divisional Security Commissioner, R.P.F., Hubli Division,
Secunderabad

7 M.A. Waheed Khan S/o Hamid Khan
Divisional Security Commissioner, R.P.F., Secunderabad Division,
Secunderabad

8 Chittari S/o Hanumaiah
O/o Divisional Security Commissioner, R.P.F., Hyderabad Division,
Secunderabad

9 Andre Das S/o Ananda Rao
O/o Divisional Security Commissioner, R.P.F., Hubli Division,
Hubli

..... PETITIONERS

AND

1 Chief Security Commissioner, Railway Protection Force South

Central Railway, Rail Nilayam, Secunderabad
2 Dy. Chief Security Commissioner, Headquarters Divn. Railway Protection Force, Rail Nilayam, Secunderabad
3 Divisional Security Commissioner, Railway Protection Force Hyderabad Disvision, Secunderabad
4 Divisional Security Commissioner, Railway Protection Force Secunderabad Disvision, Secunderabad
5 Divisional Security Commissioner, Railway Protection Force Hubli Disvision, Hubli

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or Direction preferably one in the nature of Writ of Certiorari calling for the records relating to the issuance of impugned proceedings issued by the 1st respondent in Ref.X/P/530/NK/Vol.VI, dt: 2-3-1994 - Force Order No.34/94 and the petitioner prays that the same may be quashed.

Counsel for the Petitioner: MR.J.M.NAIDU, Advocate

Counsel for the Respondents : MR.GOURISHANKAR SANGHI

(SC FOR RAILWAYS)

The Court Made the Following :

ORAL ORDER :

This writ petition is filed challenging the order dated 02-03-1994 issued by the first respondent – Chief Security Commissioner, Railway Protection Force, South Central Railway, Secunderabad, whereunder the petitioners were promoted to the rank of Naiks treating them in the ex cadre posts.

While issuing Rule Nisi, this Court in W.P.M.P.No.18113 of 1994 granted interim suspension of the impugned order dated 02-03-1994.

On receipt of notice, the Deputy Chief Security Commissioner, Railway Protection Force, Secunderabad filed counter-affidavit, dated 08-06-2001 on behalf of the respondents sating that as per the rules a separate cadre has been formed for the drivers and as such the

petitioners are no more working in cadre posts. It is also stated that by virtue of the separate cadre for the drivers, the seniority of the petitioners has been maintained separately in the cadre of drivers and as such the grievance of the petitioners does not exist.

In the light of the stand taken by the respondents in the counter-affidavit, the learned Counsel for the petitioners states that no further adjudication is necessary in the writ petition.

Accordingly, recording the stand taken by the respondents in para-11 of the counter-affidavit, the Writ Petition is disposed of. No costs.

17TH JUNE, 2004.
GBS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 Chief Security Commissioner, Railway Protection Force South Central Railway, Rail Nilayam, Secunderabad
2 Dy. Chief Security Commissioner, Headquarters Divn. Railway Protection Force, Rail Nilayam, Secunderabad
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